IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7639 OF 2004

Smt.Bhavana Gala ... Petitioner

V/s.

Shri Dattu Kacharu Patil ... Respondent

Mr.S.M. Oak h/f Ambar Joshi for Petitioner
Mr.S.V. Palsule-Desai for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **JULY 13, 2005**

P.C.:

. The challenge in this Petition is to the order passed in the interim application for standard rent filed by the Respondent-landlord whereby the Petitioner is directed to pay the arrears of rent. The Respondent-landlord filed the application under section 11 of the Bombay Rent Act for fixation of the standard rent in the year 1992. It is surprising that till today, there is no decision on the main application. The Respondent was, therefore, forced to file an interim application seeking payment of certain amounts which included the taxes which had not been paid by the Petitioner. While allowing the interim application, the trial Court directed the Petitioner to pay the arrears of rent. However, it has not considered whether such an

application is maintainable and whether an amount could be directed to be paid to the landlord as an interim measure.

3. The orders impugned are set aside as the Petitioner contends that she has been paying the rent @Rs.135/-. Whether this amount includes the taxes or any other amount would be decided in the application for standard rent fixation. The Court will also decide whether any additional amount should be paid by way of taxes or any other charges. The Application for standard rent fixation i.e., Miscellaneous Application No.43 of 1992, shall be decided by the trial Court as early as possible and in any event not later than three months from the date of receipt of a copy of this order.

4. Writ Petition is disposed off accordingly.